

**Legal Notices.**

**SUPREME COURT.**—In the matter of the application of the Mayor, Aldermen, and Community of the City of New-York, relative to the **WIDENING OF BROADWAY**, in the City of New-York, notice is hereby given to all persons interested in the said matter, that the court will sit on the 10th day of November, 1856, at ten o'clock, to hear the evidence and proceedings in the above entitled matter, subsequent to the deposition of a Bridge and a certain Term of the Supreme Court at the City Hall, in the City of New-York, on the 25th day of November, 1855, referring back to the said Commissioners, and the said Court, to report on the said evidence, and the decision of the Justices of the said Supreme Court, at Chambers, in the City Hall of the City of New-York on Monday the 19th day of May, 1856, at 10 o'clock.

**GEORGE H. PURSER,**      **Commissioner.**  
**CHARLES H. MEAD,**      **Commissioner.**  
**JOHN H. ROCK,**      **Commissioner.**

**IN PURSANCE of an order of the Surrogate of the County of New-York, notice is hereby given to all persons having claims against ABNER L. SLOCUM, late of the City of New-York, deceased, to present the same, with vouchers therefor, to the undersigned, on or before the 10th day of January, in the City of New-York, on or before twenty-eight day of July next.—Dated New-York, the 1st day of January, 1857.**

**WILLIAM H. SLOCUM,**      **Executor.**  
**CHARLES H. HUGHES,**      **Executor.**  
**JAMES P. HUGHES,**      **Executor.**

**IN PURSANCE of an order of the Surrogate of the County of New-York, notice is hereby given to all persons having claims against EDWARD E. POWERS, late of the City of Columbus, Georgia, deceased, to present the same, with vouchers therefor, to the undersigned, on or before the 10th day of January, in the City of New-York, on or before the twelfth day of July next.—Dated New-York, the 1st day of January, 1857.**

**N PURSUANCE of an order of the Surrogate of the County of New-York, notice is hereby given to all persons having claims against ABRAHAM F. BLAKE, deceased, to present the same, with vouchers thereon, to the undersigned, at the office of Edward Bech, No. 87 Beaver-st., in the City of New-York, on or before the thirtieth day of September next, to-wit: the 30th day of September next. Dated New-York the 25th day of November last.**  
SILVEST P. BLAKE, *Administrator.*  
EDWARD BECH.

**N PURSUANCE of an order of the Surrogate of the County of New-York, notice is hereby given to all persons having claims against THOMAS B. CROPPER, late of the City of New-York, merchant, deceased, to present the same, with vouchers thereon, to the undersigned, at the office of John B. Dunham, No. 79 East 11th-st., in the City of New-York, on or before the twentieth day of November next. Dated New-York the 15th day of November last.**  
ELIZABETH FARNSON, *Executrix.*

**N PURSUANCE of an order of the Surrogate of the County of New-York, notice is hereby given to all persons having claims against JAMES LITTLE, late of the City of New-York, merchant, deceased, to present the same, with vouchers thereon, to the subscriber, at the office of John B. Dunham, No. 79 East 11th-st., in the City of New-York, on or before the twentieth day of November next. Dated New-York the 15th day of November last.**  
CHARLES H. MARSHALL, *Executor.*

**N PURSUANCE of an order of the Surrogate of the County of New-York, notice is hereby given to all persons having claims against JAMES LITTLE, late of the City of New-York, merchant, deceased, to present the same, with vouchers thereon, to the subscriber, at the office of John B. Dunham, No. 79 East 11th-st., in the City of New-York, on or before the twentieth day of November next. Dated New-York the 15th day of November last.**  
DAVID DUNHAM.

IN PURSUANCE of an order of the Surrogate of the County of New-York, notice is hereby given to all persons having claims against **WILLIAM B. SMITH**, late of the City of New-York, deceased, to present the same with vouchers to the undersigned, her resident, at No. 64 Fulton-street, in the City of New-York, on or before the twenty-sixth day of August next. Dated New-York, the twenty-first day of February, 1886. **ELIZABETH P. SMITH**, Administrator.

IN PURSUANCE of an order of the Surrogate of the County of New-York, notice is hereby given to all persons having claims against **ELIZABETH W. RIBBEL**, late of the City of New-York, widow, deceased, to present the same with vouchers to the undersigned, her resident, at No. 64 Fulton-street, in the City of New-York, on or before the 24th day of August next.—Dated, New-York the 24th day of February, 1886. **ALFRED CROCK**, Administrator.

IN PURSUANCE of an order of the Surrogate of the County of New-York, notice is hereby given to all persons having claims against **ABIGAIL S. LYON**, late of the City of New-York, single woman deceased, to present the same with vouchers to the undersigned, her resident, at No. 20 Fulton-street, in the City of New-York, on or before the twenty-first day of August next.—Dated New-York, the twenty-first day of February, 1886. **GEORGE W. HICKS**, Administrator.

**LAW INTELLIGENCE.**

COURT—GENERAL TERM.

OPINIONS AND DECISIONS.

MARRIED WOMAN—SOLE TRUSTEE'S STATUTE OF 1848. *Rebecca Freeman v. John Freeman.*

THE *SLOSSON J.* This will, made by *Mr. Freeman*, the wife of *Sam. J. Freeman*, was not sent the Sheriff.

[illegible]

ORNEY, C. J. This case involves a question of law under the eighth subdivision of Statute 397 of the Code, which provides that "in all cases of error or omission which the cause is necessarily on the Calendar, and not reached or postponed, excluding that at which it is tried or argued, the Court may order a new trial."<sup>1</sup>

When a cause is reached in the Calendar and postponed, neither appearing—not an uncommon event at Federal Term Court—there is no question as to the applicability of the statute within the meaning of the Code! We think not.

When a cause, when reached may be disposed of in several ways. It may be dismissed, or it may be continued, or by a mutual understanding or agreement between the parties. If by mutual agreement there is an appearance, he may cause the cause to be set down, as it were, by mutual assent. That is the inference.

When a cause is set down, it is not necessary that the inference must therefore apply to the Court for a postponement, or by acquiescing in the going down, they are to be taken as having waived their right to a new trial.

**THE CASE—BILL OF PARTICULARS—TIME NOT ENLARGED.**

GEO. W. PLATT, et al., vs. SAMUEL P. TOWNSEND.

Judge STOROS—It is admitted that before the Court the Bill of Particulars was not filed, and that the Court granted a suspension of the time to plead, in consequence of the neglecting it to be furnished information for the Court to consider the merits of the case, and the pleadings.

But it is contended that, granting the theory of a bill of particulars to be the same now as under the old Code, that the suspension of the time to plead, of positive statute, that early days in the limit fixed within which a pleading must be served, which is only enlarged by the Court, is not enlarged by the Court, which governs here, and that the Court, in this case, has departed away with the old rule in this particular. Believing that the new rule is the same as the old, and that the Court is not overruling the 7th rule would be entirely correct, and that the time fixed for a pleading to be served cannot be enlarged by granting a bill of particulars. Order of the Court.

By JAMES GAUNT.—Eight per cent. to be deducted from amount claimed in the two suits. Plaintiff to pay costs.

judgment for the residue was affirmed. — **See** *ibid.*  
**Enoch W. Clark v. Isaac Lison et al.**—**Judgment affirmed.**  
**Isaac W. Hughes v. Isaac Alexander.**—**Judgment affirmed.**  
**Isaac Muir v. Albert Salter.**—**Judgment for plaintiff;** reference has allowed to certain defendants.  
**James H. Bland v. John H. Bland.**—**Judgment for plaintiff.**  
**John W. Sykes.**—**Judgment for plaintiff.**  
**Robert v. Stewart.**—**Judgment for defendant.**  
**Before Judge Bosworth.**  
**John Fayette Milne v. J. C. Woodhull.**  
 The plaintiff sustained with liberty to plaintiff to amend the complaint by making Robert a party, and in other respects, as he may be advised by the court. Defendant Cockroft upon the demurrer was overruled.

**UNITED STATES CIRCUIT COURT.**—**Before Judge Brett.**  
 The case of Joachim Antonio and others, who were arrested on the schooner *Palmatrix*, which has since been abandoned as a sloop and sold, their counsel, Mr. Bristow, moved for a writ of *habeas corpus*, unless before the court. The parties finally agreed to have the case tried in the United States District Court on Wednesday next week, the Court reserving the right to grant the writ if he would permit himself to be released.

It was also learned that the case of *Joseph E. Lewis* and others, charged with stealing a horse, will be brought on to testify for in the trade, is to be taken up on Thursday next.

**COURT CALENDAR.**—**Term Day.**  
**COURT CIRCUIT.**—**Circuit.**—Nos. 366, 403, 405, 406, 518, 520, 523, 528, 529, 530, 531.  
**UNITED STATES DISTRICT COURT.**—**No. 11, 19, 21, 22, 23, 25, 127, 89, 91.**  
**PLEAS.**—**Part 1.**—**No. 6, 97, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 115, 117, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794**